761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: February 5, 2001

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
PERSONNEL AND TRAINING DIVISION

TO: RODNEY L. LYONS, CAPTAIN
EAST LOS ANGELES STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, APRIL 26, 2000, IAB REVIEW #2010762**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on April 26, 2000.

The Committee met on February 1, 2001, and consisted of myself, Commander David Betkey (Commander of the Department) and Commander Michael Kenyon (Commander of the Department). The Committee determined that the use of force by Deputy Francis Ruiz #[redacted] was within Department policy. Please advise the deputy of this finding.

RLC:KRK:kk

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 04/26/00	Bureau/Station/Facility: MARINA DEL REY STATION	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 000-01156-2768-055	Date: 04/26/00 Time: 0330 HOURS
City or Station: MARINA DEL REY STATION	Nature of Incident: Deputies responded to a prowler call and were confronted by an armed suspect who pointed his weapon towards the deputies. The suspect was shot one time, transported to the hospital where he was pronounced dead. No deputies were injured.
Location: [redacted] BRYNHURST AVENUE LOS ANGELES, CALIFORNIA 90043	

Location Type (circle one or more): Backyard (circled), Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other ______

Lighting (circle only one): Darkness (circled), Daylight, Other, Street Lights

Weather (circle only one): Clear (circled), Cloudy, Fog, Rain

Distance: 25 feet

Incident Type (circle one or more): Accidental, Armed Person (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (circle only one): Arrest Warrant, Call (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, Other, Routine Patrol (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	WILSON,	GWENDOLYN	M.	EM (circled) PM Day	Regular (circled) Overtime Off Duty
[redacted]	PRATT,	STEVEN	R.	EM (circled) PM Day	Regular (circled) Overtime Off Duty
[redacted]	MESSERSCHMIDT,	CURT	A.	EM (circled) PM Day	Regular (circled) Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	M.I.		
Street [redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph
Last Name [redacted]	First Name [redacted]	M.I.		
Street [redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph
Last Name [redacted]	First Name [redacted]	M.I. [redacted]		
Street [redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	RAMSEY,	JAMES	D.	On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	DUCOULOMBIER,	GEORGE	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	DUCOULOMBIER,	GEORGE	

PSTD Use Only
SH # 2010762

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/26/00	0530 hours		

Employee #	Last Name	First Name	M.I
[redacted]	ZOMBEK,	ROGER	A.
[redacted]	GREENE,	JERRY	S.
[redacted]	MANNIS,	KARYN	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sling Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	DH	CH
S#1	E#1	FH	ZZ	25			NN	

Officer Involved Shooting
Involved Employee Information

URN: 000-01156-2768-055

Involved Employee

E 1

Employee # [redacted]	Last Name RUIZ,	First Name FRANCIS	M.I. R.
Sex: M Race: HISP.	Rank Deputy Generalist	Unit Assignment: MARINA DEL REY	Work Assignment (Unit #, Module, etc.): 274
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors: Suspect was saying that he wanted to kill the devil. The suspect then pointed his handgun towards Deputy Ruiz.
Age: [redacted] Height: 601	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 000-01156-2768-055

Suspect Information

S 1

Last Name [redacted]		First Name [redacted]	M.I. [redacted]
AKA Last Name		First Name	M.I.
Sex: M Race: BLK.	Street Ad[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone: [redacted]	Ho[redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 17 D.O.B. [redacted]	Height: 602 Weight: 160	FBI #	CII #
Booking #	Primary Charge: 245 (D) (1) P.C.	Secondary Charge:	
Coroner Case? ☒	Coroner Cas[redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☒	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
NICHOLSON, [redacted]	DAVID	A.	MARINA DEL REY STATION (272 EM)			
LOPEZ, [redacted]	CARLOS	E.	LENNOX STATION (34 EM)			
LIO, [redacted]	CHRISTOPH	T.	LENNOX STATION (31A EM)			
JAUCH, [redacted]	STEVE	L.	LENNOX STATION (31A EM)			
BERRY, [redacted]	TYRONE	J.	LENNOX STATION (34 EM)			

INVESTIGATIVE SUMMARY

The summary of this incident is based upon reports (Exhibit A), memorandums and taped interviews by Homicide Bureau investigators contained in this packet. This summary is preliminary and does not include an interview of Department members who were involved in the incident by the Internal Affairs Bureau (IAB) investigators.

On April 26, 2000, Lieutenant Karyn Mannis, Sergeants Roger Zombek and Jerry Greene of IAB, were notified that in the early morning hours, a suspect was shot by deputies.

The suspect was prowling in the backyards of several residences and pounding on their back doors. When Deputies **Frances R. Ruiz, #**[redacted] and **Gwendolyn M. Wilson, #**[redacted] confronted the suspect, he pointed a small black semiautomatic handgun toward them. Deputy Ruiz fired one round at the suspect, striking him in the chest. Los Angeles County Fire Department was summoned, arrived a short time later, and transported the suspect to Cedars Sinai Hospital where he was pronounced dead.

Deputy Frances R. Ruiz, said he was assigned to unit 274 early morning shift with Deputy Wilson as his partner. They went to a call of a prowler who was knocking on the back door of [redacted] As they were responding to the call, they were advised that the prowler was between [redacted] and [redacted] Deputy Ruiz parked his marked vehicle in front of [redacted] and got out.

Deputy Ruiz heard banging on a window and grunting noises coming from the driveway of [redacted] As Deputy Ruiz walked up the driveway, he saw a male who appeared to be grabbing the security bars that were around a rear window on the south side of the house. Suspect [redacted] later identified as [redacted] MB/17, DOB: [redacted] appeared to be trying to get onto the roof of the residence at [redacted] and climb onto the fence that crosses the upper portion of the driveway at the residence.

Deputy Ruiz identified himself by saying, "Sheriff's Department. What are you doing?" The suspect, said, "I have to kill these birds" Deputy Ruiz then saw a small handgun in Suspect [redacted] right hand. At that moment Deputy Ruiz thought Suspect [redacted] might be mentally unstable. He based that on Suspect [redacted] saying he had to "kill these birds," at the unusual time of 0330 hours in the morning and he was attempting to get onto a roof, to kill the birds with a handgun.

Deputy Ruiz conferred with Deputy Wilson that what he saw was a handgun in Suspect [redacted] hand. Deputy Wilson confirmed Deputy Ruiz observations. Deputy Ruiz immediately began to yell orders at Suspect [redacted] to "Get down. Drop the gun." Suspect [redacted] said, "Fuck no, I'm not doing it. Fuck you." Deputy Ruiz requested assistance to respond code three. Deputy Ruiz said he requested a stun bag because he was hoping he wouldn't have to shoot

Suspect [redacted] Both deputies then ordered the suspect several more times to drop the handgun and to get down. The suspect ignored all the orders that were given to him but did tell the deputies, "I've got to kill the devil."

At one point Deputy Ruiz tried to reason with Suspect [redacted] by saying, "Drop the gun and we'll get the devil together." After about a minute or two Suspect [redacted] jumped down from the fence and faced the house. Both deputies Ruiz and Wilson were standing at the rear of a vehicle that was parked in the driveway of the location. Suspect [redacted] was standing at the front of the vehicle. Both deputies began to move to their left (south) in order to take cover behind a brick pillar between the property lines.

Deputy Ruiz continued to order the suspect to drop the handgun. After the suspect jumped down from the fence, he slowly put the handgun into his right front pant pocket. The suspect then walked south to a white picket fence gate, approximately 5 feet in height, that divided the driveway from the rear yard of the residence, Deputy Ruiz feared that if the suspect climbed over the fence he (Deputy Ruiz) would lose sight of him. Deputy Ruiz decided to approach the suspect and attempt to grab and handcuff him while the handgun was in his pocket.

Deputy Ruiz said the only way to stay focused and not lose sight of the suspect was to run across the top of the parked vehicle. Deputy Ruiz ran across the vehicle as Deputy Wilson covered him with her weapon.

As Deputy Ruiz stepped down from the front of the vehicle, Suspect [redacted] turned around and quickly jumped over the white picket fence gate and into the backyard. Deputy Ruiz was standing on the east side of the white picket fence gate and Suspect [redacted] was on the west. The suspect ran a few steps west in the backyard and stopped. Deputy Ruiz drew his weapon again and gave orders to Suspect [redacted] to, "Stop! Lay down and show me your hands." The suspect ignored all the orders, turned toward Deputy Ruiz with a blank stare on his face. When Suspect [redacted] was facing Deputy Ruiz, he [redacted] reached into his right front pant pocket and pulled out his handgun. Suspect [redacted] began to bring the handgun up as if he was about to point it at Deputy Ruiz. When the suspect raised his handgun about Deputy Ruiz foot level or higher, Deputy Ruiz fired one round from his duty weapon, approximately 20 to 25 feet, striking Suspect [redacted] on the right side of his chest.

Deputy Ruiz transmitted over his hand-held radio that he was involved in a shooting and that the suspect was down, and requested paramedics. The suspect was laying face up on the concrete while still holding his handgun in his right hand. Deputies Ruiz and Wilson gave orders to Suspect [redacted] to drop the handgun and show his hands; he would not respond to those orders. The suspect was held at gunpoint until assisting units arrived. Deputy Messerschmidt approached Suspect [redacted] stepped on his right arm area and removed the handgun from the suspect's right hand.

Deputy Ruiz said it took approximately eight minutes or longer from the time he made initial contact with Suspect [redacted] until the time the shooting occurred. Ruiz said it was dark at the

time of the shooting. There was a rear porch light on in the area where the suspect was standing at the time of the shooting. The suspect was also lit up by Deputy Ruiz's flashlight. Deputy Ruiz needed his flashlight on to see Suspect [redacted] handgun.

Deputy Ruiz said he feared the suspect was going to shoot him or possibly his partner who was behind him. Deputy Ruiz said he was about 20 to 25 feet from the suspect when he fired his weapon.

> **IAB Note:** Homicide detectives examined Deputy Ruiz's duty weapon and found 14 rounds in the magazine and one round in the chamber.

Deputy Gwendolyn M. Wilson said she was the passenger of Unit 274, with Deputy Francis Ruiz as her partner. They were in a black and white marked Sheriff's vehicle and both were wearing "Class A" Sheriff's uniforms.

Deputy Wilson said she and her partner pulled up to [redacted] parked their patrol unit and got out. Deputy Wilson saw a porch light on at [redacted] and could hear someone talking at that location. Both deputies walked to the west side of the driveway where she saw a male black near the rear of the house, in front of the car they were standing behind. The male was standing on a fence trying to get onto the roof of the house at [redacted]

Deputy Wilson said Deputy Ruiz asked the suspect, "What are you doing? Get down." The suspect said something relating to birds. The suspect told the deputies to "Fuck off," and ignored the orders to get down off the fence. Within seconds, the suspect did begin to get down from the fence. Deputy Wilson said that Deputy Ruiz asked her, "What is in his (suspect) hand?" Deputy Wilson saw that he had a small black handgun in his right hand. Deputy Ruiz immediately put out emergency traffic on his hand-held radio that they had a man with a gun, and they needed two units to respond code three. Deputy Ruiz also requested a stun bag gun.

Deputy Wilson said the suspect then walked from the fence to a window that had black bars around it. The window was on the south side of the house at [redacted] He jumped onto the bars and rattled them. He had the handgun in his right hand and appeared he was trying to get onto the roof. His left hand was holding onto the black bars around the window. They, Deputies Wilson and Ruiz, continued to try and get the suspect to comply with their orders to come down. The suspect did not comply and said, "I gotta shoot the devil." The dialog between the deputies and suspect was conducted while the deputies were still behind the parked vehicle in the driveway at [redacted] and the suspect was in front of the vehicle.

Deputy Wilson said it seemed as though the suspect realized he could not get onto the roof with the gun in his hand, so he put it into his right front pant pocket. The suspect got down from the bars on the window and walked south, away from the deputies. Deputies Wilson and Ruiz told the suspect to walk toward them but the suspect would not comply. The suspect walked toward the white picket fence separating the property from [redacted] The suspect looked

like he was going to jump over one of the fences. Deputy Ruiz told Deputy Wilson that he was going to tackle and attempt to handcuff Suspect [redacted] while the handgun was in the suspect's pant pocket.

Deputy Ruiz ran across the top of the vehicle that was parked in the driveway. When Ruiz got down in front of the vehicle, the suspect was straddling the fence. Deputy Wilson was attempting to make her way along the north side of the vehicle that was parked in the driveway. She was trying to squeeze past a large tree that was hanging over the front portion the vehicle. Deputy Wilson said the suspect was then off the fence, and standing further west in the backyard driveway. The suspect turned toward both deputies and reached toward the pant pocket where the suspect had put his handgun. The suspect then started to raise his right hand while holding the handgun. Deputy Ruiz told him, "Drop the gun." The suspect did not comply and Deputy Ruiz fired one round at suspect [redacted] Suspect [redacted] made a moaning noise and fell to the ground still holding onto the handgun with his right hand across his chest.

Deputy Curt Messerschmidt, [redacted] said that he was working Lennox Unit 32 EM's with his partner Deputy Pratt. He said he heard a request for additional units to respond to an address on Brynhurst Avenue to assist a Marina Sheriff's Station Unit with a 5150, (mentally ill), 417 (person with a gun). Deputy Messerschmidt said he had an extended response time and was authorized to roll code three to the location. While en route, Deputy Messerschmidt said he heard the Marina Del Rey Unit on the radio say "998 (Deputy involved in a shooting), suspect down." The unit requested paramedics.

Deputy Messerschmidt said that when he and his partner arrived, he requested the Marina Unit for his exact location. He then was directed by Deputy Ruiz to the north side, rear yard to disarm the suspect. Deputy Messerschmidt said when he arrived at the location, Deputy Ruiz was standing on the east side of the picket fence gate with his handgun drawn, pointing at the suspect. Deputy Wilson was standing south of Deputy Ruiz.

Deputy Messerschmidt ordered the suspect to release the handgun he was holding. The suspect did not comply. Deputy Messerschmidt placed his foot on the suspect's right arm and retrieved the handgun from the suspect's hand. Deputy Messerschmidt handed the suspect's handgun to Deputy Nicholson, who put it on a nearby fence railing. Deputy Pratt put handcuffs on the Suspect. Deputy Nicholson was an assisting Marina Del Rey Sheriff's Unit, who had followed Deputies Messerschmidt and Pratt to the rear yard.

Deputy Tyrone Berry, [redacted] said he was working Lennox Patrol Unit 34, EM's, with Deputy Lopez when they responded to the 4600 block of Brynhurst Avenue, regarding a request for assistance from a Marina Del Rey Unit who was detaining a 417, 5150 suspect. Upon arrival he saw Deputy Ruiz at the rear of the location with Deputies Messerschmidt, Pratt, Nicholson and a female deputy.

Deputy Berry said the suspect was a male black, lying face down on the ground with his hands cuffed behind his back. There was a small semiautomatic handgun laying on the fence post in the

rear yard and a car parked in the driveway of the location. The picket fence driveway gate looked like it had been forced open. Deputy Christopher Lio moved the car that was parked in the driveway of the location so fire personnel and paramedics could enter.

Deputy David Nicholson, #[redacted] said he was assigned to assist Deputies Ruiz and Wilson on a 921 (Prowler) call. While en route to the call, it was updated to a "417, possible 5150," then updated once again to a "998" (Deputy involved in a shooting).

Deputy Nicholson said that when he arrived, he saw four deputies in the driveway of the location with their guns directed at the suspect, who still had a handgun in his hand. Deputy Nicholson followed Deputies Messerschmidt and Pratt around the north side of the house and into the rear yard. Deputy Messerschmidt put his foot on the suspect's right arm and retrieved the handgun from the suspect. Deputy Messerschmidt passed the handgun back to Deputy Nicholson who placed it on the ledge of the backyard portion of the white picket fence. Deputy Pratt turned the suspect over and put handcuffs on him.

Deputy Steve Jauch, #[redacted] said he was working Lennox Station Patrol Unit 31A EM's with Deputy Lio when he heard Marina Del Rey Sheriff's Patrol Unit say "10-33" (request emergency clearance) on the radio. The unit was requesting assistance because they were detaining a mentally ill suspect with a gun. The male voice on the radio was requesting a stun bag and a female voice in the background was saying, "Let me see your hands!"

Deputy Jauch said he rolled code three from the Vermont area with Units 30 Sam and 34. While he was en route, he heard the unit on the patch say, "998 (Deputy involved in a shooting), 5150 down and still 417." Deputy Jauch said he then heard Sheriff's Communication Center reply to the units "902R" (rescue responding).

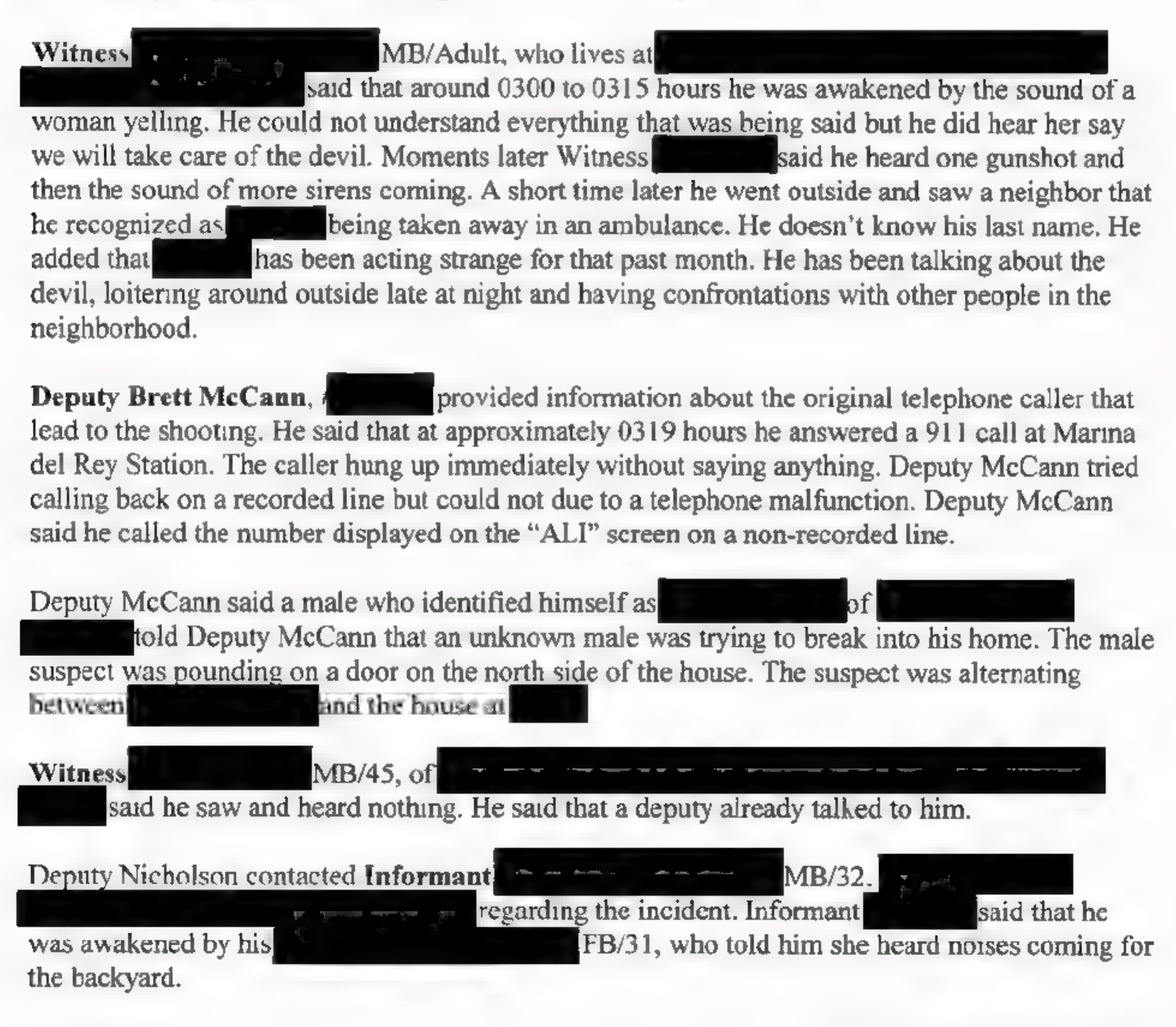
When Deputy Jauch and his partner arrived, the incident was code 4. He saw the suspect was already handcuffed with his hands behind his back. Deputy Lio moved the vehicle out of the driveway of the location and Deputy Jauch directed fire personnel into the location.

Deputy Christopher Lio, #[redacted] said essentially the same as Deputy Jauch during his interview except he was instructed by Lennox Station Deputy Basse to move a vehicle that was parked on the driveway at the location, to make room for fire/rescue. He entered the car through the passenger's side of the vehicle. He then backed the vehicle out of the driveway and parked it at the curb across the street from the location. Afterward, he helped set up the crime scene tape and conducted witness interviews. Deputy Lio said he never saw the suspect

Deputy Carlos Lopez, #[redacted] said he was working Lennox Sheriff's Patrol Unit 34 EM's with his partner Deputy Berry. Deputy Lopez said that after he arrived at the location, he saw a body lying face down on the ground handcuffed. Deputy Lopez did not see a handgun. Deputy Berry directed Deputy Lopez to put up crime scene tape and to conduct door knocks in the neighborhood to locate any possible witnesses.

Deputy Steve Pratt, #[redacted] said he was working with his partner Deputy Messerschmidt in Lennox Sheriff's Patrol Unit 32. Deputy Pratt said he heard a request for emergency clearance on the radio The unit said they were detaining a mentally ill suspect with a gun and was requesting two units to respond to assist. While rolling to the location, a radio call of a deputy involved in a shooting was broadcast. Upon arrival he heard and saw Deputies at the rear of the driveway of the location. The deputies were yelling at the suspect to drop the handgun. The suspect did not comply with the deputies' commands and showed no signs of movement.

One of the deputies said they needed someone to remove the handgun from the suspect's hand. Deputies Messerschmidt and Pratt were directed around to the rear yard of the location on the north side of the house. Deputy Pratt said when he arrived in the rear yard of the location, he saw the suspect lying on his back on the ground, with a handgun in his right hand. Deputy Messerschmidt trapped the suspect's right arm with his foot and retrieved the gun. Deputy Pratt rolled the suspect onto his stomach and handcuffed his hands behind his back. The suspect was not moving. Deputy Pratt saw a ring of blood on the suspect's back.



Witness [redacted] MB/Adult, who lives at [redacted] said that around 0300 to 0315 hours he was awakened by the sound of a woman yelling. He could not understand everything that was being said but he did hear her say we will take care of the devil. Moments later Witness [redacted] said he heard one gunshot and then the sound of more sirens coming. A short time later he went outside and saw a neighbor that he recognized as [redacted] being taken away in an ambulance. He doesn't know his last name. He added that [redacted] has been acting strange for that past month. He has been talking about the devil, loitering around outside late at night and having confrontations with other people in the neighborhood.

Deputy Brett McCann, #[redacted] provided information about the original telephone caller that lead to the shooting. He said that at approximately 0319 hours he answered a 911 call at Marina del Rey Station. The caller hung up immediately without saying anything. Deputy McCann tried calling back on a recorded line but could not due to a telephone malfunction. Deputy McCann said he called the number displayed on the "ALI" screen on a non-recorded line.

Deputy McCann said a male who identified himself as [redacted] of [redacted] told Deputy McCann that an unknown male was trying to break into his home. The male suspect was pounding on a door on the north side of the house. The suspect was alternating between [redacted] and the house at [redacted]

Witness [redacted] MB/45, of [redacted] said he saw and heard nothing. He said that a deputy already talked to him.

Deputy Nicholson contacted **Informant** [redacted] MB/32. [redacted] regarding the incident. Informant [redacted] said that he was awakened by his [redacted] FB/31, who told him she heard noises coming for the backyard.

Informant [redacted] said that after he listened for a short time, he heard the noises and called 911. He hung up the telephone when the deputies arrived. Mr. [redacted] said he heard deputies yell, "Put whatever you have in your hands down" several times, then heard 1 gunshot.

Witness [redacted] MB/79, who resides at [redacted] said that at about 0315 hours he heard the back gate to his house pounding very hard and bouncing. He called 911 and reported the incident to Marina del Rey Station. A few minutes later he heard a female voice saying in a loud voice drop the gun. Witness [redacted] continued hearing at least a dozen times voices ordering someone to drop the gun.

No other residences witnessed the incident or heard anything.

The suspect has a past history of drug use; his [redacted] did not know what kind of drugs. On April 25, 2000, at around 0800 hours the suspect, [redacted] was yelling, "prophecy" from the house at [redacted] he was screaming at the top of his lungs according to **Witness** [redacted] saying things like, "I'll save the world!," "Praise God!" Shortly after, suspect [redacted] went back into his house.

Mr. [redacted] who resides at [redacted] stated that he was the suspect's [redacted] The suspect resided at the location with him and [redacted] the suspect's [redacted] Mr [redacted] provided Sergeant [redacted] with the suspect's personal information. Mr. [redacted] said the suspect has been displaying "strange and erratic behavior" since December. There was an incident the evening before this incident where the suspect was shouting on the front porch and Mr. [redacted] had to bring the suspect inside. Mr. [redacted] said that the suspect had a past history of drug use. Mr. [redacted] was asked if he had a gun and he said he had a 9mm Glock only. Mr [redacted] was asked by Sergeant [redacted] if he had a .25 automatic and he said no.

Witness [redacted] said that Suspect [redacted] had been acting in a very unusual manner the last few days. On 04 25 00, [redacted] took a day off from work so he could be with his [redacted] (Suspect [redacted] and his [redacted] drove with Suspect [redacted] to Pasadena to eat breakfast at a restaurant they frequent. While at the restaurant, Suspect [redacted] became agitated for no apparent reason, and began to hit his [redacted] All three left the restaurant, and were going to drive home. As they were driving, Suspect [redacted] began to hit his [redacted] again. Mr. [redacted] drove to the Pasadena Police Department, and contacted an officer.

While at the Pasadena Police Department, Suspect [redacted] and [redacted] were interviewed and a Battery (243(a)PC) report was filed, naming [redacted] as the suspect. Neither [redacted] nor [redacted] were desirous of prosecution. They also declined to have Suspect [redacted] placed under a 72-hour observation hold for 5150 WIC; however, they said to Pasadena Police Sergeant [redacted] that they would seek some sort of treatment or counseling for Suspect [redacted]

The suspect's gunshot wound was a through and through to his chest. The round entered the

center of the suspect's chest, traveled slightly downward and exited his mid-back. He was admitted to Cedars Sinai Hospital at 0410 hours and was pronounced dead at 0417 hours. The round struck the garage and was recovered.

Homicide advised [redacted] that the gun Suspect [redacted] had in his possession was reported stolen in 1983 by [redacted] Mr. [redacted] said Ms. [redacted] was the [redacted] of his [redacted] and she had been deceased since 1988. Mr.& Mrs [redacted] had no knowledge of the theft filed by Ms [redacted] Mr. [redacted] said that his [redacted] and Suspect [redacted] moved into [redacted] shortly after Ms. [redacted] passed away.





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF SPECIAL OPERATIONS • SPECIAL INVESTIGATIONS DIVISION

GIL GARCETTI • District Attorney
ROBERT P. HEFLIN • Chief Deputy District Attorney
MICHAEL E. TRANBARGER • Assistant District Attorney

ALLEN D. FIELD • Director

October 5, 2000

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: S.I.D. File #: 100-8688/00-0245
L A S D. File #: 000-01156-2768-055

The Special Investigations Division of the District Attorney's Office has completed its review of the April 26, 2000 fatal shooting of [redacted] age 17, by Deputy Sheriff Francis Ruiz. Based upon our review and investigation we have concluded that the shooting by Deputy Ruiz was a legally justified act of self-defense and defense of others.

INVESTIGATION

The District Attorney's Command Center was notified of this incident on April 26, 2000, at 4 30 a m Deputy District Attorney Hector Guzman and District Attorney Senior Investigator [redacted] responded immediately to the location where we were briefed and taken on a "walk-through" by Lieutenant Raymond Peavy of the Los Angeles County Sheriff's Department, Homicide Bureau.

The following analysis is based on a 130 page report prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, the statements of witnesses at the scene, the autopsy report prepared by Medical Examiner Dr. Irwin L Golden and our own Bureau of Investigation reports

FACTUAL SUMMARY

On April 26, 2000, at approximately 3:21 a m , Los Angeles County Sheriff's Deputies Francis Ruiz and Gwendolyn Wilson were dispatched to [redacted] regarding a prowler who was banging on doors between the two residences.[1] When the deputies

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[1] [redacted] is adjacent to and north of [redacted]

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3275
WEBSITE ...

arrived at [redacted] they heard what sounded like banging on a window and grunting noises coming from the driveway of [redacted] Both Ruiz and Wilson walked up the driveway to investigate and saw a male, later identified as [redacted] standing on a gate and grabbing the security bars that were around a rear window of the house at [redacted] appeared to be trying to get onto the roof of the residence. A car was parked in the driveway between [redacted] and the deputies.

Ruiz identified himself to [redacted] saying, "Sheriff's Department. What are you doing?"[2] [redacted] glanced at Ruiz, turned back to the roof and said "I have to kill these birds." The deputies then noticed [redacted] holding a small handgun in his right hand. Ruiz immediately ordered [redacted] to get down and drop the gun. [redacted] responded by saying, "Fuck no, I'm not doing it. Fuck you." Ruiz then called police communications on his hand held radio for assistance, requested a "stun gun" and advised that they had a man armed with a gun who might possibly be mentally ill.[3] Ruiz told investigators that he requested the "stun gun", because he was hoping he would not have to shoot [redacted] with his duty weapon.

Both deputies again ordered [redacted] to drop the gun and get down. [redacted] ignored the orders, looked at the deputies and said, "I've got to kill the devil." Ruiz formed the opinion that [redacted] was mentally unstable or under the influence of "something" and tried to reason with him. Ruiz told him to put the gun down and that they would help him get the devil. After a minute or two, [redacted] jumped down from the fence onto the driveway. [redacted] put the handgun in his front right pants pocket and began to move away from the deputies towards a gate that divided the end of the driveway and the backyard of the residence at [redacted]

When [redacted] placed his hands on the gate, Ruiz became concerned that [redacted] was about to jump over the gate. Ruiz did not want to lose sight of [redacted] because he felt that he was potentially dangerous. Ruiz decided to approach him and attempt to grab and handcuff him while the handgun was still in [redacted] pocket. Unable to gain access to [redacted] by walking around the car parked in the driveway, Ruiz holstered his gun, climbed on the rear of the car and ran across its top while Wilson covered him with her weapon.[4]

As Ruiz stepped down from the front of the car, [redacted] turned around, looked at Ruiz and jumped over the gate into the backyard of [redacted] ran a few steps into the

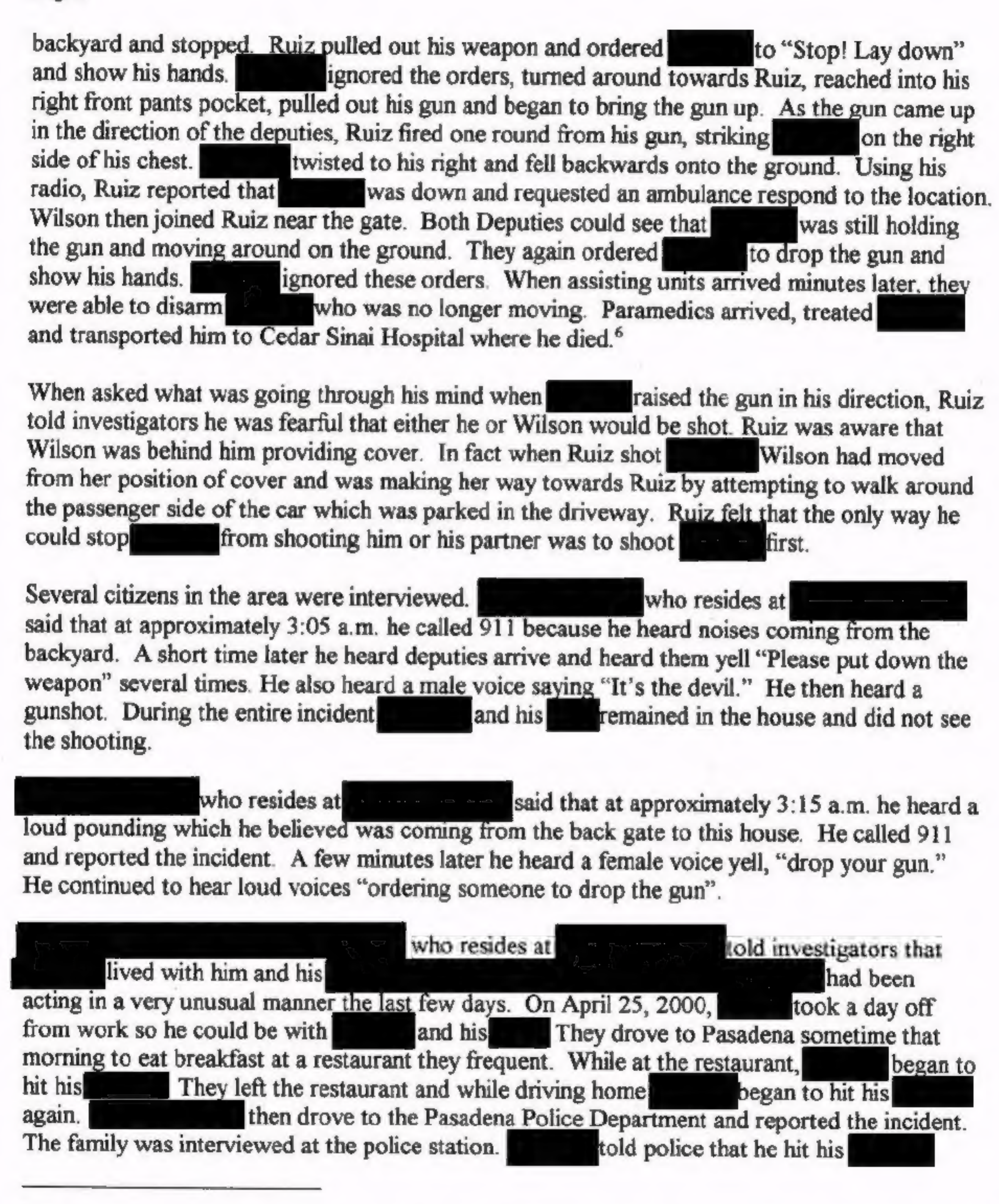
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[2] The deputies were in Sheriff uniforms.

[3] A recording of Ruiz' call to police communications confirms his requests and concerns that [redacted] was armed with a gun and might possibly be mentally ill.

[4] The car was parked on a narrow driveway.

[5] The distance from front of the car, where Ruiz stepped down, to the gate, where [redacted] was standing before he jumped into the backyard, is approximately 25 feet.



backyard and stopped. Ruiz pulled out his weapon and ordered [redacted] to "Stop! Lay down" and show his hands. [redacted] ignored the orders, turned around towards Ruiz, reached into his right front pants pocket, pulled out his gun and began to bring the gun up. As the gun came up in the direction of the deputies, Ruiz fired one round from his gun, striking [redacted] on the right side of his chest. [redacted] twisted to his right and fell backwards onto the ground. Using his radio, Ruiz reported that [redacted] was down and requested an ambulance respond to the location. Wilson then joined Ruiz near the gate. Both Deputies could see that [redacted] was still holding the gun and moving around on the ground. They again ordered [redacted] to drop the gun and show his hands. [redacted] ignored these orders. When assisting units arrived minutes later, they were able to disarm [redacted] who was no longer moving. Paramedics arrived, treated [redacted] and transported him to Cedar Sinai Hospital where he died.[6]

When asked what was going through his mind when [redacted] raised the gun in his direction, Ruiz told investigators he was fearful that either he or Wilson would be shot. Ruiz was aware that Wilson was behind him providing cover. In fact when Ruiz shot [redacted] Wilson had moved from her position of cover and was making her way towards Ruiz by attempting to walk around the passenger side of the car which was parked in the driveway. Ruiz felt that the only way he could stop [redacted] from shooting him or his partner was to shoot [redacted] first.

Several citizens in the area were interviewed. [redacted] who resides at [redacted] said that at approximately 3:05 a.m. he called 911 because he heard noises coming from the backyard. A short time later he heard deputies arrive and heard them yell "Please put down the weapon" several times. He also heard a male voice saying "It's the devil." He then heard a gunshot. During the entire incident [redacted] and his [redacted] remained in the house and did not see the shooting.

[redacted] who resides at [redacted] said that at approximately 3:15 a.m. he heard a loud pounding which he believed was coming from the back gate to this house. He called 911 and reported the incident. A few minutes later he heard a female voice yell, "drop your gun." He continued to hear loud voices "ordering someone to drop the gun".

[redacted] who resides at [redacted] told investigators that [redacted] lived with him and his [redacted] had been acting in a very unusual manner the last few days. On April 25, 2000, [redacted] took a day off from work so he could be with [redacted] and his [redacted] They drove to Pasadena sometime that morning to eat breakfast at a restaurant they frequent. While at the restaurant, [redacted] began to hit his [redacted] They left the restaurant and while driving home [redacted] began to hit his [redacted] again. [redacted] then drove to the Pasadena Police Department and reported the incident. The family was interviewed at the police station. [redacted] told police that he hit his [redacted]

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[6] Doctor Golden attributed the cause of death to be from a "through and through" gunshot wound to the upper right torso. The entrance wound was described as being on the front of the upper chest and the exit wound on the back of the body. The trajectory was front to back, very slightly downward and no lateral or medial angulation.

because the situation called for it. Neither [redacted] was desirous of prosecution and also declined to have [redacted] placed under a 72-hour observation hold.

Both [redacted] said that they did not think [redacted] drank alcohol but thought he may be involved with taking some type of illegal substance.[7]

[redacted] gun, a .25 caliber semi-automatic blue steel handgun, contained seven live .25 caliber bullets. A check with The Department of Justice revealed that the gun had been reported stolen on June 20, 1983, by [redacted] who resided at [redacted] told investigators Ms. [redacted] was the [redacted] of his [redacted] and had been deceased since 1988. [redacted] and his [redacted] moved into [redacted] shortly after Ms. [redacted] passed away.

LEGAL SUMMARY

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or in the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal (CALJIC) 5.30, 5.32.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App. 2d 575.

CONCLUSION

In the present case, deputies received a call regarding a prowler who was banging on doors. When the deputies arrived at [redacted] they heard noise coming from the driveway of [redacted] The source of the noise, [redacted] was observed by deputies to be holding a

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[7] The presence of several controlled substances including alcohol was not detected during a toxicology examination by the Coroner's Department.

gun. He was ordered several times to put the gun down and refused to do so. When Deputy Ruiz observed [redacted] raise his gun in his direction, he was justified in firing his gun, reasonably fearing for his life and the life of his partner.

We are closing our file and will take no further action in this matter.

Very truly yours,

GIL GARCETTI
District Attorney

By *Hector* [signature]

HECTOR M. GUZMAN
Deputy District Attorney
(213) 974-3892

c: Deputy Francis Ruiz #[redacted]